

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE - Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

In the matter of:

Robert J. Moss and Jennifer L. Moss, husband
and wife,

The Fortitude Foundation, an Arizona
corporation,

Ventures 7000, LLC, an Oklahoma limited
liability company,

Jeffrey D. McHatton and Starla T. McHatton,
husband and wife,

Robert D. Sproat and Jane Doe Sproat,
husband and wife,

Kevin Krause and Jane Doe Krause, husband
and wife, and

Vernon R. Twyman, Jr., a single man,
Respondents.

DOCKET NO. S-20953A-16-0061

**SECURITIES DIVISION'S MOTION TO
CONTINUE HEARING DATE**

Arizona Corporation Commission

DOCKETED

AUG 31 2016

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The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") respectfully requests that the hearing currently scheduled for October 31 to November 15, 2016, be continued to dates in early 2017. Good cause exists to reschedule the hearing.

MEMORANDUM OF POINTS AND AUTHORITIES

The Division's undersigned counsel is scheduled to begin a four-week hearing on November 28, 2016, in *Concordia Financing Company, Ltd., et al.*, Docket No. S-20906A-14-0063 (filed 2/27/2014). If the hearing in the instant *Robert J. Moss/The Fortitude Foundation et al.* matter

1 concludes on November 15, 2016, the Division's counsel will have only six (6) business days near the
2 Thanksgiving Holiday to prepare for the four-week hearing in the *Concordia Financing*.

3 Six (6) days will not be enough for counsel to prepare for the *Concordia Financing* hearing.
4 That case involves alleged investments totaling at least \$12,735,289 by at least fifty-eight (58)
5 investors. The Division seeks restitution of \$3,078,909 plus forfeiture of \$2,529,337 in custodial
6 fees and \$565,424 in allegedly undisclosed finder's fees. The *Concordia Financing* hearing will be
7 hard-fought and will require several weeks for counsel to adequately prepare.

8 The hearing in the instant *Robert J. Moss/The Fortitude Foundation et al.* matter was
9 originally scheduled for September 19 to October 6, 2016. That schedule would have allowed
10 adequate time for the Division's counsel to prepare for the *Concordia Financing* hearing set to begin
11 on November 28, 2016.

12 On August 9, 2016, Respondents Vernon R. Twyman, Jr. ("Twyman") and Ventures 7000, LLC
13 ("Ventures 7000") filed a Motion to Continue Hearing seeking to postpone the September 19th, 2016,
14 hearing by at least ninety (90) days. The Division opposed the requested continuance.

15 On August 23, 2016, this Tribunal partially granted Twyman's and Ventures 7000's requested
16 continuance and reset the hearing in this matter for October 31 to November 15, 2016. For the reasons
17 explained above, that hearing schedule will not leave the Division's counsel adequate time to prepare
18 for the four-week hearing in *Concordia Financing*. In addition, the Division staff member who is
19 necessary to assist counsel in the *Robert J. Moss/The Fortitude Foundation* hearing is scheduled to
20 be in hearing on November 7, 8, 10, 14 and 15, 2016, in the matter of *David J. Escarcega*, Docket
21 No. S-20956A-16-0090.

22 Scheduling the hearing in this matter to begin in early 2017 will not prejudice the Respondents.
23 Twyman and Ventures 7000 sought a 2017 hearing date when they requested a continuance of at least
24 ninety (90) days in their Motion to Continue Hearing.
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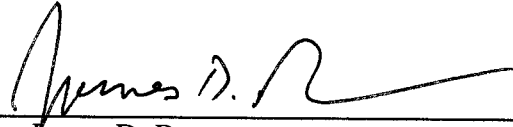
1 The Division is prepared to exchange witness lists and exhibits on September 16, 2016, and is
2 not seeking to continue that date. Thus, a hearing date in early 2017 will benefit the Respondents by
3 allowing them several additional months to prepare for the hearing.

4 **Conclusion**

5 For the foregoing reasons, the Division respectfully requests that the hearing currently
6 scheduled for October 31 to November 15, 2016, be continued to dates in early 2017.

7 RESPECTFULLY SUBMITTED this 31st day of August, 2016.

8 ARIZONA CORPORATION COMMISSION

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10 By 
11 James D. Burgess
12 Attorney for the Securities Division
13 Arizona Corporation Commission
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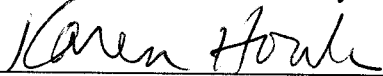
1 On this 31st day of August, 2016, the foregoing document was filed with Docket Control as a
2 Securities Division Motion to Continue a Hearing, and copies of the foregoing were mailed on behalf
3 of the Securities Division to the following who have not consented to email service. On this date or
4 as soon as possible thereafter, the Commission's eDocket program will automatically email a link
5 to the foregoing to the following who have consented to email service. On this date, an e-mail was
6 also sent by the undersigned to any of the following who have consented to email service.

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